

From: Steve Penn
To: Microsoft ATR
Date: 1/21/02 10:53am
Subject: Microsoft Settlement

January 21, 2002

To Whom This Concerns:

I am very grateful for the opportunity for my own small voice in this process. I sincerely hope that each response you may receive is treated with the utmost importance it deserves. This is not an easy task. Everyone's effort with this case however small should receive high praise.

My name is Steve Penn.

I am a creative director/ manager, content and technology developer for media to several delivery mediums from print to broadcast to CD media to the internet. I work primarily within the Advertising Industry. Within the past fifteen years most every aspect of my work has involved the integration and deployment of emerging computer technology in both hardware and software configurations. I have produced work on behalf of clients such as Hewlett-Packard, Micron Technology, The New York Times, Prudential, Nike and Microsoft. In this time I have come to learn the many strengths and weaknesses of the many commercial products both hardware and software I must utilize for my livelihood. It is a constant learning curve of testing the latest or pre release versions of software, operating systems, development languages, video/audio hardware and etc...

In this time I have also observed and been unduly affected by the many tactics of Microsoft briefly outlined in this current case summary. I have watched with disappointment as Microsoft has bullied its way both legally and financially throughout several industries which comprise my livelihood. Time and again I have embraced technologies and services developed by a third party company only to have Microsoft buy up and kill internally or legally maneuver to force the company out of business only to have Microsoft later come out with this new ?innovations? as its very own. Of course as the case summary implies these products and services have been tied deeply into the Windows OS and only through buying into additional Microsoft development tools or subscriptions are you as a potential developer allowed to have access. Many times these previous products and services were deployable on several platforms and were most often of superior quality.

In this time I have also consulted for educational and governmental agencies where literally millions of private and taxpayer dollars have been spent to buy additional products, people and training which have been unnecessarily tied to the Windows OS by Microsoft and or its

partnering affiliations. Of course as the record describes, you know all this. There is a very long and consistent profile of Microsoft's behavior documented in case after case since its very beginnings contained in the public record. It is this public record of behavior that so aptly illustrates Microsoft's true corporate culture and blatant disregard for fair competition and ultimately consumer benefit.

After having studied the courts proposed remedy and implications of this case. I feel it is but an extremely feeble attempt to curtail only very recent past and possible very recent future Microsoft behavior in regard to these anti trust violations for which it has been found guilty of and has consistently based its operational model upon. What is extremely troubling about this remedy is there seems to be no mention whatsoever of Microsoft's current and future efforts to dominate the Home electronics market, the entertainment industry and our banking systems , to name a few. These proposed remedies appear far too narrow and quickly outdated. They can be easily circumvented in future Microsoft endeavors for which it is currently developing. Also there appears to be no provision for reparation of Microsoft's current and past deeds for the incredible damage they have inflicted to our economy, several industries, innovative technologies they did not invent and ultimately the mass consumer.

I am very disappointed in our legal system for proposing such an apparent politically motivated and blatantly shallow remedy for illegal acts which have and will seemingly continue to rob us all of economic and intellectual resources, freedom and innovation.

I do not have the specific answers, I am but an individual voice that expresses what I know is a very large and pervasive public sentiment. I pray the court will have the courage, wisdom and insight to rectify this apparently inconsistent and incomplete remedy proposal.

Thank You
Sincerely,

Steve Penn